IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Second Appeal No. 1165 of 2001
(Old No. 194/2000)

1. Ram Chanbdra S/o Genda
2. Roop Ram S/o Genda
3. Mahabir S/o Ranjeet
4. Ram Gopal S/o Ranjeet
5. Vinod S/o Sri Tungal Singh
6. Satish S/o Tungal Singh
7. Swaraj S/o Tungal
   All R/o Village Majari
   Paragana & Tehsil Roorkee
   District Haridwar ……Appellants

Vs

1. Yash Kumar S/o Ashok Kumar
   R/o Hankani Joot House
   Near S.S.P. Office, Haridwar
2. Madhu D/o Ashok Kumar
   R/o Ashok Steels
   Near Civil Court Haridwar
3. Virampal S/o Telu Ram
   R/o Village Dhanauri
   Paragana & Tehsil Roorkee
   District Haridwar ……Respondents

Sri Arvind Vashisth, learned counsel for the appellant

Hon'ble B.C. Kandpal, J.

This second appeal has been preferred by the appellant against the judgment and decree dated 05.1.2000 passed by Civil Judge (Senior Division), Roorkee district Haridwar in Civil Appeal No. 28 of 1998 arising out of the judgment and decree dated 03.09.1998 passed by Civil Judge (Junior Division), Roorkee in Original Suit No. 192 of 1994.

2. Brief facts of the case are that the plaintiff/appellant filed a suit for the Civil Judge (Junior Division), Haridwar which was dismissed vide judgment and decree dated 07.09.1998.

3. Feeling aggrieved by the aforesaid judgment and decree the plaintiff/appellant preferred an appeal before the appellate court which was dismissed vide judgment and decree dated 05.2 .2000.

4. Feeling aggrieved by the aforesaid judgments and decree. The appellant/defendant preferred an appeal before this Court.

5. Heard Sri Arvind Vashishth, learned counsel for the appellant and perused the impugned judgment and order passed by the courts below.

6. Having considered the arguments advanced by the learned counsel for the appellant and after perusing the entire evidence on record, I am of the view that, this second appeal is concluded by concurrent finding of facts, I, therefore, do not find any ground to interfere in the impugned judgments and orders passed by the courts below. Both the courts below have recorded concurrent finding of fact which cannot be interfered at the stage of second appeal. I also do not find any substantial question of law involved in this case.

7. The second appeal lacks merit and is liable to be dismissed.

8. Accordingly, the second appeal is dismissed in-limine.

(B.C. Kandpal, J.)

06.12.2006
ASWAL